

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES BIRD,
Plaintiff,

v.

KKMI SAUSALITO, LLC, et al.,
Defendants.

Case No. [14-cv-03277-MEJ](#)

ORDER RE: STATEMENT OF FACTS

On April 20, 2016, Keefe Kaplan Maritime, Inc. filed a Motion for Summary Judgment, (Dkt. No. 79), but failed to file a statement of facts in compliance with paragraph G of the Case Management Order in this case. Pursuant to paragraph G, all summary judgment motions must include the following:

(1) Separate Statement of Facts. Any party filing a motion for summary judgment must file a statement, separate from the motion and memorandum of law, setting forth each material fact on which the party relies in support of the motion. Each material fact in the separate statement must be set forth in a separately numbered paragraph and must refer to a specific admissible portion of the record where the fact finds support (for example, affidavit, deposition, discovery response, etc.). A failure to submit a separate statement of facts in this form may constitute grounds for the denial of the motion.

(2) Controverting Statement of Facts. Any party opposing a motion for summary judgment must file a statement, separate from that party's memorandum of law, setting forth: (a) for each paragraph of the moving party's separate statement of facts, a correspondingly numbered paragraph indicating whether the party disputes the statement of fact set forth in that paragraph and a reference to the specific admissible portion of the record supporting the party's position if the fact is disputed; and (b) any additional facts that establish a genuine issue of material fact or otherwise preclude judgment in favor of the moving party. Each additional fact must be set forth in a separately numbered paragraph and must refer to a

specific admissible portion of the record where the fact finds support.

(3) Reply Statement of Facts. If the party opposing summary judgment sets forth additional facts, the moving party shall file a statement, separate from the reply brief, with correspondingly numbered paragraphs indicating whether the party admits or disputes the statement of fact set forth in that paragraph and, if disputed, a reference to the specific admissible portion of the record supporting the party's position. Facts that are not already included in the motion and/or opposition are not permitted.

(4) Alternative Procedure. As an alternative to filing a statement of facts and controverting statement of facts, the movant and the party opposing the motion may jointly file a stipulation signed by the parties setting forth a statement of the stipulated facts and the following statement: "The parties agree there is no genuine issue of any material fact." As to any stipulated facts, the parties so stipulating may state that their stipulations are entered into only for the purpose of the motion for summary judgment and are not intended to be otherwise binding.

As Keefe Kaplan Maritime, Inc. failed to file a statement of facts in compliance with the requirements above, the Court hereby ORDERS Keefe Kaplan Maritime, Inc. to file a statement as soon as possible, but no later than April 26, 2016. Any opposition and controverting statement of facts shall be due May 3, 2016, and any reply shall be due May 10, 2016.

IT IS SO ORDERED.

Dated: April 20, 2016



MARIA-ELENA JAMES
United States Magistrate Judge